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21 UNITED STATES DISTRICT COURT
22
23 FOR THE CENTRAL DISTRICT OF CALIFORNIA

24 STUDENT DOE #3,

25 Plaintiff,

26 v.

27 KRISTI NOEM, in her official capacity
28 as Secretary of Homeland Security; *et
al.*,

29 Defendants.

30 No. 8:25-cv-00706-DOC-DFM

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33 DEFENDANTS' SUPPLEMENTAL
34 NOTICE TO STUDENT DOE #3'S *EX
35 PARTE* APPLICATION; SUGGESTION
36 OF MOOTNESS

37 Hearing Date: April 28, 2025

38 Hearing Time: 12:00 p.m.

39 Ctrm: United States Courthouse
40 411 West Fourth Street
41 Santa Ana, CA 92701

42 Honorable David O. Carter
43 United States District Judge

1 **DEFENDANTS' SUPPLEMENTAL NOTICE TO PLAINTIFF'S EX PARTE**
2 **APPLICATION; SUGGESTION OF MOOTNESS**

3 Plaintiff—an unidentified student—complains that his information within a
4 federal government database of international students at U.S. colleges and universities
5 known as SEVIS was arbitrarily terminated by ICE. Through his *ex parte* application
6 (Dkt. 17), Plaintiff asks this Court for the extraordinary exigent relief of issuing a TRO
7 requiring Defendants to (1) restore his SEVIS record; and (2) not to take enforcement
8 actions against him based on the terminated SEVIS status. The *ex parte* application
9 should be denied. Furthermore, the lawsuit is moot and should be dismissed.

10 As the Court may already be aware through the press and through reviewing
11 similar SEVIS cases, on April 25, 2025, the government announced that ICE was
12 restoring the SEVIS records of international students that had been terminated. This
13 reactivation includes students that filed lawsuits as plaintiffs and students who did not
14 file lawsuits—i.e. ICE's reactivation of SEVIS records is independent of any particular
15 civil litigation.

16 Specifically, ICE is developing a policy that will provide a framework for SEVIS
17 record terminations. Until such a policy is issued, the SEVIS records for Plaintiff in this
18 case (and similarly situated plaintiffs in similar cases) *will remain Active or shall be re-*
19 *activated if not currently active and ICE will not modify the record solely based on the*
20 *NCIC finding that resulted in the recent SEVIS record termination.*

21 The reactivation is being done as quickly as possible.

22 ICE still maintains the authority to terminate a SEVIS record for other reasons,
23 such as if a student fails to maintain his or her nonimmigrant status after the record is
24 reactivated or engages in other unlawful activity that would render him or her removable
25 from the United States under the Immigration and Nationality Act (“INA”).

26 Accordingly, because there is no case or controversy at this juncture, Plaintiff's
27 TRO application should be denied for failure to establish that exigent preliminary
28 injunctive relief is required to redress a likelihood of irreparable harm.

1 Dated: April 25, 2025

Respectfully submitted,

2 BILAL A. ESSAYLI
3 United States Attorney
4 DAVID M. HARRIS
5 Assistant United States Attorney
6 Chief, Civil Division
7 JOANNE S. OSINOFF
8 Assistant United States Attorney
9 Chief, Complex and Defensive Litigation Section

10 */s/ Alexander L. Farrell*
11 PAUL (BART) GREEN
12 ALEXANDER L. FARRELL
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14 Attorneys for Defendants

15 Certificate of Compliance with L.R. 11-6.2

16 The undersigned, counsel of record for the Defendants, certifies that this Notice
17 contains 332 words and is 1 page, which complies with the word limit of L.R. 11-6.1 and
18 the page limit of the Court's Standing Order.

19 Dated: April 25, 2025

20 */s/ Alexander L. Farrell*
21 ALEXANDER L. FARRELL